

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Magis LLC,

Case No. 24-cv-229 (DWF/DJF)

Plaintiff,

REPORT AND RECOMMENDATION

v.

Ivan Torres et al.,

Defendants.

On June 14, 2024, the Court entered an order summarizing the history of Plaintiff's continued inability to serve Defendant Armstrong and stated it could not conclude, in the absence of admissible evidence to the contrary, that Plaintiff had properly served Defendant Torres ("June 14 Order") (*see* ECF No. 19 at 1–3).¹ The Court thus quashed any prior attempted service on Mr. Torres and provided Plaintiff until July 15, 2024 to serve Mr. Torres and Mr. Armstrong or show cause as to why the Court should not recommend dismissing this action pursuant to Fed. R. Civ. P. 4(m) (*id.* at 3–4). That deadline has now passed, and Plaintiff has failed to file proof of service upon either Mr. Torres or Mr. Armstrong or show cause as to why this matter should not be dismissed.

RECOMMENDATION

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT** this matter be **DISMISSED WITHOUT PREJUDICE** pursuant to Fed. R. Civ. P. 4(m) for failure to properly serve the Defendants.

¹ The Court incorporates its summary of the record from its June 14 Order in this Report and Recommendation.

Dated: July 16, 2024

s/ Dulce J. Foster

Dulce J. Foster

United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).